



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

.....
MONDAY

JUNE 01, 2020

6:30 P.M.
.....

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF AGENDA
- C. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. COUNCIL MINUTES
 - a. 05/18/2020 – Town Council Meeting
 - b. 05/20/2020 – Budget Meeting
 - c. 5/26/2020 – Budget Meeting
 - 3. COMMUNICATIONS
 - a. Renewal Victualer License – Angler's Restaurant
 - b. Renewal Victualer License – McLaughlin's At The Marina
 - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - a. Memorandum from Bradley Nuding, Penobscot County Emergency Management Agency
 - 2. PUBLIC HEARINGS
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. Appointment of new member to the Personnel Appeals Board
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS

Note: Council will take a five-minute recess at 8:00 p.m.

.....
MONDAY

MAY 18, 2020

6:30 P.M.
.....

AGENDA
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H. NEW BUSINESS

- a. Application for an On-Premises License – McLaughlin's At The Marina
- b. Application for a New Liquor License to permit the sale of homemade wine at the Farmers' Market (due to it being on Town property)
- c. Discussion regarding possible bond of a fire truck

I. MANAGER'S REPORT

J. COUNCILOR'S COMMENTS

K. EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. SECTION 405(6)(A) – PERSONNEL MATTERS – TO INCLUDE THE TOWN MANAGER.

L. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL MEETING
ON JUNE 01, 2020, AT 6:30 PM YOU MAY
PHONE IN USING THE FOLLOWING NUMBER
(FOLLOWED BY THE PIN #)

1-470-485-9143 PIN 971 278 892#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: **[https://meet.google.com/eie-
suuw-iui?hs=122](https://meet.google.com/eie-suuw-iui?hs=122)** AND JOIN US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV**

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-a

MONDAY

MAY 18, 2020

6:30 P.M.

Attending:

Mayor Ryder

Councilor McPike

Councilor McAvoy

Councilor Marble

Councilor Jarvi

Councilor Wright

Paula Scott, Town Manager

Gayle C. Decker, Town Clerk

Shelley Abbott, Recreation Director

Mayor Ryder called the meeting to order at 6:30 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Ryder led the Pledge of Allegiance

B. APPROVAL OF AGENDA

Motion: *Councilor Marble moved to approve the agenda, seconded by Councilor Jarvi. Unanimous vote 6-0*

Resolution: 2020 - 90

C. CONSENT AGENDA

Motion: *Councilor Wright moved to approve the Consent Agenda, seconded by Councilor Marble. Unanimous vote 6-0*

Resolution: 2020 - 91

1. SIGNATURES - *Majority of Council reviewed and signed warrants*

2. COUNCIL MINUTES

a. 05/04/2020 – Town Council Meeting

b. 05/06/2020 – Budget Meeting

c. 5/11/2020 – Budget Meeting

d. 5/13/2020 – Budget Meeting

3. COMMUNICATIONS

a. Renewal Victualer License – Tradewinds Variety

b. MRC Newsletter

4. COMMITTEE MINUTES

Note: Council will take a five-minute recess at 8:00 p.m.

.....
MONDAY

MAY 18, 2020

6:30 P.M.

MINUTES
.....

D. PUBLIC COMMENTS

Matt LaChance of 433 Meadow Road addressed the Council with concerns regarding the Transfer Station. He stated that is a bottleneck at peak times. He would like to see changes at the site to make the transfer station a little more accessible to the citizens in the Community and try to reduce the overall cost, he knows it is a costly area of the budget. Feels that as an entire community positive changes could be made that would benefit everyone collectively. Mayor Ryder stated that it has been a discussion at the budget meetings. It is a problem that Council is going to address. It will go to a workshop committee and when it comes up Matt will be notified.

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

- a. Presentation of RSU Proposed Budget by Superintendent Regan Nikels

Superintendent Regan Nikels presented Proposed RSU #22 Budget

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

F. COMMITTEE REPORTS

G. UNFINISHED BUSINESS

- a. Permission to establish a registered Little Free Library at the Western Avenue Recreation Area – requested by Shelley Abbot, Rec Director

Recreation Director Shelley Abbott addressed the Council.

Motion: *After discussion Councilor Wright made a motion to allow permission to establish a Little Free Library at the Western Avenue Recreation Area recommending the white Little Library with a green roof, Councilor Jarvi seconded. Unanimous vote 6 - 0*

Resolution: 2020 – 92

H. NEW BUSINESS

- a. Application for an On-Premises License – Anglers, Inc.

Motion: *Councilor Jarvi moved for approval of the On-Premises License for Anglers Restaurant, Councilor Wright seconded. Unanimous vote: 6 - 0*

Resolution: 2020 – 93

- b. Revised 20/21 FY Budget Meeting Schedule

Town Manager Scott addressed the Council. Updated Council and public on revised FY21 Budget Schedule, Budget Meetings and July 14th Election.

Note: Council will take a five-minute recess at 8:00 p.m.

I. MANAGER'S REPORT

Town Manager Scott had no written report, but she wanted to let the public know that we all are still working very hard to navigate these uncharted waters with relationship to COVID 19. She wanted to give a shoutout to the fulltime employees, the Recreation, Pool and Library Departments, who have been pitching in other Departments where needed, when they are not able to fully perform their duties. They have been actively writing reopening plans, developing protocols to put in place when the time comes. They have been meeting with their affiliate organizations; painting picnic tables for the parks; mowing and raking in cemeteries and parks; and answering phones in some of the other departments. She stated that they have really been doing a great job and she wanted to shout it out to them.

J. COUNCILOR'S COMMENTS

Councilor Marble – No comment

Councilor McAvoy – I just wanted to remind everyone to shop local and buy American and if you can not find American locally please go online and look for it. Most times you can find American made product out there. Your children's future depends upon it. Goodnight Hampden.

Councilor McPike – A comment directed to the Town Manager. In reading some of the articles coming up on the July voting, I'm not sure whether we are going to have in person voting, I'm not sure if that has come down or not. But they are expecting a lot of mailing and I'm just concerned about, where we are still in the budget process, have we budgeted in case we have to do a massive amount of mailing and concerned particularly for personnel. Are you comfortable in that whole voting thing coming up in July? Town Manager Scott stated that that would be premise upon last years budget because technically it would be the June election and may not have enough in postage, based upon the budget that was adopted in 2020. She stated that she did increase it for FY21 in anticipation of extra absentee ballots being issued. Councilor McPike stated that to go along with that, some of the Communities are concerned about getting enough people to be in. They are scared about this Coronavirus, particularly that a lot of the Clerks at the polls are elderly and he is just concerned. Are we in good shape for that? Town Manager Scott stated that the standard availability letter has been sent out to the Clerks, requesting their availability for the July 14th Election and also whether or not they would prefer, if they didn't want to work at an in person Election and they were available, to help with absentee ballot processing. She may end up using staff for the Election and that she is going to work the Election with the Clerk.

Councilor McAvoy – Relating to mail in ballots, I'm presuming that there is a difference between a requested absentee ballot and the mail in ballot proposition. In my mind mail in ballots would be that the Clerk or someone would go through whatever our voters list is and send them ballots. Town Manager Scott stated that she believes it would be handled in the same typical absentee ballot request process, whereby there are several methods to request a ballot. You can come in person and vote the ballot in the presence of the Clerk; you can request the ballot over the telephone; you can fill out a written request for a ballot; or you can go to the online service that is through the Secretary of States site and request a ballot. She doesn't believe that we will be mandated to go throughout our voters list and arbitrarily send a ballot to everyone on the list.

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6:30 P.M.

MINUTES
.....

Councilor Jarvi – No comment

Councilor Jarvi – Enjoy this beautiful weather that we are experiencing right now and goodnight.

K. ADJOURNMENT

With no further business to conduct, the meeting adjourned at 7:34 p.m.

Note: Council will take a five-minute recess at 8:00 p.m.



**HAMPDEN TOWN COUNCIL
FY21 BUDGET WORK SESSION
HAMPDEN MUNICIPAL BUILDING
MINUTES**

C-2-b

WEDNESDAY

May 20, 2020

6:00 P.M.

Attending:

*Mayor Ryder
Councilor McPike
Councilor McAvoy
Councilor Marble
Councilor Jarvi
Councilor Wilde*

*Paula Scott, Town Manager
Gayle C. Decker, Town Clerk
Sean Currier, DPW Director
Christian Bailey, Public Safety Director
Jason Lundstrom, Deputy Fire Chief
Scott Webber, Deputy Police Chief*

*Amy Ryder, Economic Developer participated remotely
Karen Cullen, Town Planner participated remotely*

1. Call to Order – *Deputy Mayor Jarvi called the meeting to order at 6:00 p.m.*

2. Review of Town Manager FY21 Budget

- a. Capital Program** – *Referred to a workshop in the future.*
- b. Reserves** – *Referred with amendments: Increase Municipal Building by \$22,000.00; Increase City Bus Line by \$12,198.00; Increase Highway by \$15,000.00; Increase Matching Grant by \$10,000.00.*
- c. Revenues** – *Referred as presented.*
- d. Sewer** – *Referred with amendment: Move \$100,000.00 to 60-08 Collector System.*
- e. Tax Increment Financing (TIF)** – *Referred as presented.*
- f. Debt Service** – *Referred as presented.*

3. Adjournment – *Meeting adjourned at 7:15 p.m.*

Respectfully Submitted,

*Gayle C. Decker,
Town Clerk*

The next budget meeting will be held on Monday May 18th at 6:00 p.m. at the Town Office Council Chambers.



**HAMPDEN TOWN COUNCIL
FY21 BUDGET WORK SESSION
HAMPDEN MUNICIPAL BUILDING
MINUTES**

C-2-C

TUESDAY

May 26, 2020

6:00 P.M.

Attending:

*Mayor Ryder
Councilor McPike
Councilor McAvoy
Councilor Marble
Councilor Jarvi
Councilor Wilde
Councilor Wright*

*Paula Scott, Town Manager
Gayle C. Decker, Town Clerk
Darcey Peakall, Pool Director
Shelley Abbot, Recreation Director
Debora Lozito, Library Director*

*Amy Ryder Economic Developer joined remotely
Jason Sharpe Recreation Committee Member joined remotely*

1. Call to Order – *Deputy Mayor Jarvi called the meeting to order at 6:00 p.m.*

2. Review of Town Manager FY21 Budget

- a. **Library** – *Librarian Debora Lozito addressed the Council. Referred as presented.*
- b. **Recreation** – *Recreation Director Shelley Abbott addressed the Council. Referred with Amendment: Town Manager addressed a typographical error in Line item 40-44 Kids Camp- Line item changed from \$4700.00 to \$7400.00.*
- c. **The Bus** – *Referred as presented.*
- d. **Lura Hoit Pool** – *Pool Director Darcey Peakall addressed the Council. Referred as presented.*

3. Adjournment – *Meeting adjourned at 6:26 p.m.*

Respectfully Submitted,

*Gayle C. Decker,
Town Clerk*

C-3-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

May 18, 2020

Albert Hall IV
Angler's Restaurant
91 Coldbrook Rd
Hampden, ME 04444

RE: Victualer's license

Dear Albert:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Gayle C. Decker

VICTUALER'S LICENSE CERTIFICATE

No. 2020-10

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: May 19, 2020

KNOW YE, that Albert Hall IV, doing
business as Angler's Restaurant has been duly
licensed as a Victualer at 91 Coldbrook Rd Hampden, Me 04444 in the
Municipality of Hampden by said Municipality until May 19, 2021, and
has paid to the Municipal Treasurer the fee of \$ 100.00.

Gayle C. Decker
Authorized Municipal Officer Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

May 18, 2020

Kimberly McLaughlin
McLaughlin's At The Marina
108A Marina Rd
Hampden, ME 04444

RE: Victualer's license

Dear Kimberly:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

VICTUALER'S LICENSE CERTIFICATE

No. 2020-09

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: May 19, 2020

KNOW YE, that Kimberly McLaughlin,

doing business as McLaughlin's At The Marina

has been duly licensed as a Victualer at 108A Marina Rd Hampden, Me 04444

in the Municipality of Hampden by said Municipality until May 19, 2021

, and has paid to the Municipal Treasurer the fee of \$ 100.00.


Authorized Municipal Officer Town Clerk

E-1-a



Penobscot County Emergency Management Agency

Michelle LaBree, Director
97 Hammond Street, Bangor, ME. 04401

MEMORANDUM

May 22, 2020

From: Bradley Nuding, Penobscot County Emergency Management Agency
To: Town of Hampden

Subj: CORONAVIRUS EMERGENCY SUPPLEMENTAL FUND

I am pleased to inform you that your application has been preliminarily approved as part of the FY2020 Coronavirus Emergency Supplemental Fund grant allocation submitted to the U.S. Justice Department.

Specifically, the Town of Hampden should anticipate receiving \$11,901 to offset the expenses associated with COVID-19 response. However, **we still need to obtain federal approval before any final approval and spending / reimbursement can be started.**

The U.S. Department of Justice reviews applications and announces approvals on a rolling basis. Once I am notified of the status of our grant, I will then send out final approval letters to include spending / reimbursement deadlines and the process.

Thank you for your grant request!

Sincerely,

A handwritten signature in blue ink, appearing to read "Bradley Nuding".

Bradley Nuding
Deputy Director



H-a

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): <u>Kimberly's Marina, LLC</u>	Business Name (D/B/A): <u>McLaughlins at the Marina</u>
Individual or Sole Proprietor Applicant Name(s): <u>Kimberly McLaughlin</u>	Physical Location: <u>108A Marina Rd. Hampden ME</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <u>04444</u>
Mailing address, if different from DBA address: <u>—</u>	Email Address: <u>McLaughlinsMarinaRestaurant@gmail.com</u>
Telephone # Fax #: <u>207-974-9228</u>	Business Telephone # Fax #: <u>207-990-1111</u>
Federal Tax Identification Number: <u>55-0914914</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: <u>www.mclaughlinsmarina.com</u>

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 6/12/2020

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: 503,415 Beer, Wine or Spirits: 120,573 Guest Rooms: —

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

108 A MARINA ROAD, HAMPTON, ME 04444

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: W/A

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name

DOB

Place of Birth

Kimberly McLaughlin
Victoria Southard

1-16-1962 Presque Isle, ME
2-25-1994 Georgetown, S.C.

Residence address on all the above for previous 5 years

Name
Kimberly McLaughlin
Name
Victoria Southard

Address: 108A Marina Rd, Hampden ME 04444
Address: 191 Grandview Dr. Dedham
Address: ME 04429

Name

Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

n/a

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

inside dining room enclosed patio, upper
~~upper~~ open air patio

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: ~~St. Vincent~~ church

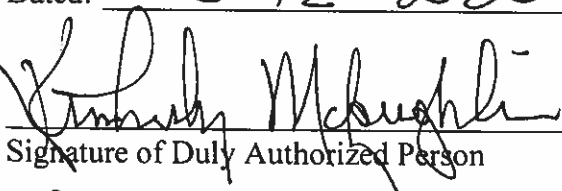
Distance: 4.2 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 5-12-2020


Signature of Duly Authorized Person

Kimberly McLaughlin
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

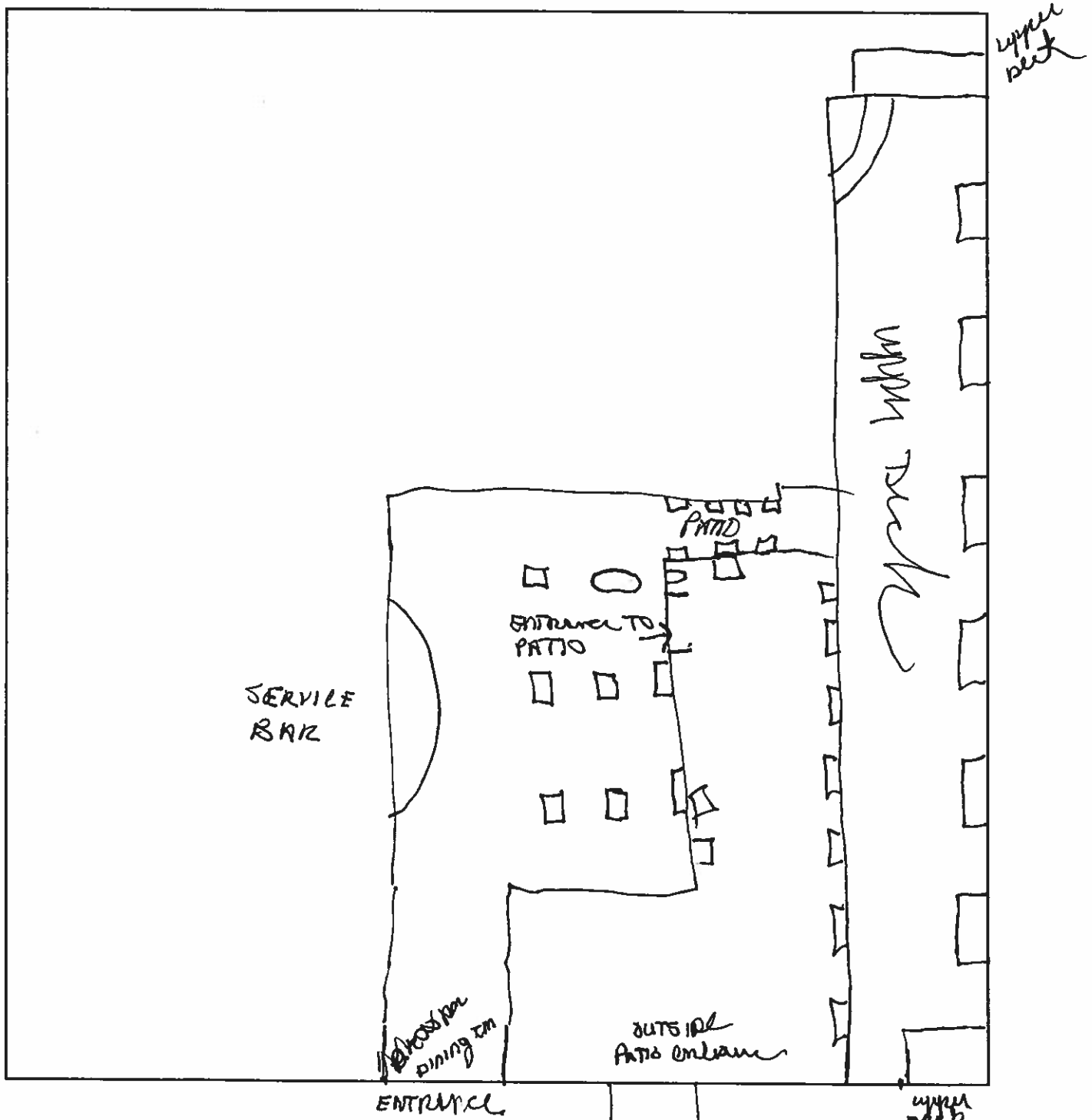
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee	910
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00	
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00	
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00	
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00	
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00	
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00	
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00	
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00	
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00	

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Kimberly's Marina LLC
2. Doing Business As, if any: McLaughlin's at the Point
3. Date of filing with Secretary of State: 5-2011 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
n/a
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Kimberly McLaughlin	108 Main St, Hallowell, ME	1-16-62	owner	100%
"Kimberly McLaughlin"	299 South Rd, Hallowell, ME	1-16-42	owner	100%
Victor Sonthaus	191 Grandview Dr, Hallowell, ME	2-29-1994	manager	-

(Ownership in non-publicly traded companies must add up to 100%.)



H-6

STATE OF MAINE
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 State House Station, Augusta, ME 04333-0008 (Regular Mail)
10 Water Street, Hallowell, ME 04347 (Overnight Mail)
Telephone: 207-624-7220 Fax: 207-287-3434
Email inquiries: MAINELIQUOR@MAINE.GOV

Application for a New or Renewal of a Farmers' Market Authorization

The following information must be provided. All information must be typed or printed legibly.

Name of Farmers' Market: Hampden Farmers Market		
Location of Farmers' Market: 106 Western Ave Hampden Me		
Current License Number, if any:	Expiration Date:	
Days of the Week that you will be operating: Fridays		
Contact Person: Lauri Philbrick		
Mailing Address to send license: 22 MJ Lane Frankfort Me 04438		
Contact Person Email: boydbrookfarminginc@aol.com		
Municipality: Hampden	State: Maine	Zip Code: 04444
Telephone Number: 207-991-0085	Fax Number: None	

PLEASE SIGN IN BLUE INK

Lauri Philbrick
Signature of Owner or Corporate Officer

5/27/2020
Date

Lauri Philbrick Market Manager
Print Name of Owner or Corporate Officer

Farmers' Markets held on Private Property:

I, _____, the owner of the property that the above farmers' market is to be held on agrees to allow the sale of malt liquor or wine on my property during legal hours of sale of these products at the farmers' market.

Signature of property owner

Date

Printed name of property owner

For Municipal Approval Only

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Offices ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Signature of Officials	Printed Name and Title

§1366. RETAIL SALES AT FARMERS' MARKET

3. Conditions. A licensee under subsection 1 may sell wine, spirits or malt liquor at a farmers' market under the following conditions:

A. The licensee shall apply for and must have received authorization to sell at farmers' markets from the bureau and paid an annual fee of \$75. The application pursuant to this paragraph must be in a form determined by the bureau. The licensee shall submit the application at least 30 days prior to the date when wine, spirits or malt liquor is to be sold at a farmers' market; [2017, c. 168, §2 (AMD).]

B. Prior to each month during which the licensee wishes to sell or conduct a taste testing at a farmers' market, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to sell or conduct a taste testing and must receive approval from the bureau for that month; [2017, c. 168, §2 (AMD).]

B-1. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's participation in a farmers' market under this section; [2017, c. 168, §2 (NEW).]

C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including liquor, and must be authorized by the bureau under subsection 4; [2017, c. 168, §2 (AMD).]

D. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter; [2011, c. 280, §3 (NEW).]

E. All wine, spirits and malt liquor must be prepackaged and sold by the bottle or case; [2017, c. 1, §19 (COR).]

F. Taste testing of wine, spirits and malt liquor may be conducted in accordance with section 1367; and [2017, c. 1, §19 (COR).]

G. Spirits sold in accordance with this subsection are subject to the listing, pricing and distribution provisions of this Title. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G. [2017, c. 168, §2 (NEW).][2017, c. 1, §19 (COR).]

4. Farmers' market authorization. At least 30 days prior to the sale of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell wine, spirits and malt liquor under this section and apply for and receive authorization from the bureau for a licensee authorized under subsection 3, paragraph A to sell wine, spirits or malt liquor at the farmers' market. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale of wine, spirits or malt liquor in accordance with this section. The bureau may request a diagram of the layout of the farmers' market. An application required by this subsection must be in a form determined by the bureau.

[2017, c. 168, §3 (AMD).] **5. Rules.** The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2011, c. 280, §3 (NEW).]



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: May 28, 2020
RE: Fire truck bond

In light of the discussion regarding the possible bonding of a fire truck, and the thought that the General Election (Presidential/Council) would have better voter turn-out, I reached out to our bond counsel Dan Pittman to inquire if we would be able to accomplish a borrowing ordinance by August. In his response, he set out three scenarios that we might want to consider. Because there has been concern in the past about leasing equipment, I thought it prudent to bring this back to Council before giving Dan the go ahead to begin the borrowing ordinance. I just thought that it might bear more discussion.



Paula Scott <townmanager@hampdenmaine.gov>

Possible town bond

2 messages

Paula Scott <townmanager@hampdenmaine.gov>

Tue, May 26, 2020 at 4:06 PM

To: "Pittman, Dan" <dpittman@eatonpeabody.com>

Cc: "Dow, Kim" <KDow@eatonpeabody.com>, Gayle Decker <clerk@hampdenmaine.gov>

Good afternoon Dan,

At last Wednesday's budget meeting during the discussion on our capital plan, Council stated that they know they will not be able to set aside enough funds to replace a fire truck by 2023 when one of ours is due to be replaced. They suggested that we bond it this November. I told them it might be a little ambitious to get everything ready for November since we would need to have the borrowing authorization by August.

What do you need from me if we were to proceed with a referendum in November to bond a fire truck?

Paula A. Scott, CCM
Town Manager
Treasurer

Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

Pittman, Dan <dpittman@eatonpeabody.com>

Wed, May 27, 2020 at 3:01 PM

To: Paula Scott <townmanager@hampdenmaine.gov>

Cc: Gayle Decker <clerk@hampdenmaine.gov>

Hi Paula

Let me provide an answer to your question, and then propose two alternatives that might be of interest and might not.

1) You're right that it would be tight, but if your Council continues to meet regularly we could get everything in place for a full bonding project, including a referendum vote, by November. It would have to be done by ordinance, which would have to be read at one meeting, and then we'd set a hearing date (in all likelihood, the hearing would begin at the same time and place as the next scheduled Council meeting, which in theory would be scheduled to start 5-10 minutes late, at the end of the hearing). So we could get that in place by August. I'd need to know the maximum amount you'd want to borrow, and a general description of the truck, as well as convenient dates for the meetings. I might have a few follow-up questions, but the information above would be plenty to get me started.

So that's the answer to your question, and if you're comfortable going that way, feel free to disregard the rest of this e-mail. But there are two alternatives that might be worth looking into.

2) Under your charter, the Council has the power to adopt ordinances to authorize borrowing, but those borrowing ordinances require referendum approval if (and *only* if) either the amount you intend to borrow exceeds 10% of last year's operating budget for capital improvements, or if 10% of the Town's voters petition for a referendum. So depending on the cost of the truck, and your capital improvement budget for last year, it's entirely possible that referendum vote would not be required—the Council would simply adopt the borrowing ordinance, and assuming a citizen's referendum wasn't initiated, that would be the end of the story and you'd have authorization.

Here's an even wilder suggestion, which would be available whether or not the amount you want to borrow exceeds 10% of last year's capital improvement budget. A lot of municipalities structure purchases of tangible assets like fire trucks, snow plows, police cars and the like as "leases." The economics are all but identical, but because on paper it's a lease rather than a loan, none of the charter requirements I've discussed above would apply.

3) So option three is to structure it as an equipment lease:

There are a variety of banks around the state and country that like doing municipal leasing, and I can put you in touch with a couple if it would be helpful. The idea here is rather strange, but I assure you that the law on this is really clear, and well settled. Your charter provisions apply to borrowing, and your charter doesn't define the word "borrowing." The Maine constitution is clear that where a charter contains an undefined term, we look to general Maine law to define the term. Under Maine law, "borrowing" requires an appropriation of funds to pay debt service. If you don't have a multi-year appropriation, it isn't technically "borrowing" as a matter of Maine law, or under your charter. So there are a few banks that often agree to structure deals like this so that they don't require a multi-year appropriation. They do that through equipment leases. The idea is you tell the bank "we're looking to buy this particular Brand X fire truck from this vendor for this cost." The bank will then say "if you want to borrow from us to do it, we'll charge you interest at Y%, and as soon as you have voter approval and an opinion of bond counsel, we'll send you a check for the money, and you can go out and buy your truck, and you'll owe us \$Z/year for 10 years," or whatever." But if you say "we don't want to go through the bother of a referendum, or we don't want to pay a fortune to bond counsel for a relatively small deal," the bank might offer to go out and buy the truck from the vendor, and then lease it to you. The amount of your annual lease payments would be exactly the same as the debt service you'd have to pay on a bond of the same term and amount, so instead of paying \$Z/year for 10 years as debt service, you'd make lease payments of \$Z/year for 10 years. The lease will also have a provision that at the end of the lease term, you'll have an option to buy the truck for \$1. Every year, you'd have to make an appropriation of the \$Z dollars as part of your budget process, and in theory, you could refuse to. If you did, the bank would simply take back the fire truck (it wouldn't foreclose on it; since this is technically a lease, it already owns it, so it would just not let you use it any more). So in theory it looks very different from a deal in which you'd issue a bond and use the proceeds to buy a fire truck—but the economics are identical.

The IRS, very sensibly, takes the position that if it walks like a duck, quacks like a duck, and swims like a duck, it's a duck. They look at these deals and say "that's not a real lease, that's just a disguised loan." So for federal purposes, it would be treated as a bond, like any other. But that's not how Maine does it, and this would absolutely not be a loan for Maine purposes. Again, it's strange, but the law on this is clear. There's an entire (small) industry built around this distinction, and I see a dozen or so of these deals a year, so it's not even like this is a tightly-guarded secret that the courts haven't picked up on.

Incidentally, I should add that banks will only do this for equipment, and usually equipment with a fairly decent resale value. The reason is obvious—they don't have a pledge of your full faith and credit, they just have the equipment, and they can't repossess, say, a new building or a sewer line. But they can take back equipment. I should also add that although there are a number of banks that do this, not all will. Last time I

checked Bangor Savings isn't in this line of business. I've been talking with Machias about whether they want to start up a municipal leasing program, but COVID shut that down and if they decide to restart, they probably won't have it up and running for a good long time. The bank I work with the most on these is Androscoggin Bank; Bar Harbor Bank and Trust also does a few, and there are also some national outfits that do it if you'd want to go that way.

There are a number of benefits of leasing. First, you don't have to go through nearly as much rigamarole under your charter—it would just require a vote of the Council, and some fairly straightforward paperwork. That also means it's much quicker. If you had your eye on a particular truck today, I bet we could get this taken care of and the truck in your parking lot by early July, if you wanted to. Secondly, it means that bond counsel costs are much, much lower. Because the banks that do this use standard forms, and because they don't require an opinion that the borrowing is backed by the full faith and credit of the municipality and every provision of your charter about borrowing has been met, I usually charge a flat fee of \$750 to review a lease and give an opinion; contrast that with maybe \$4,000 if you were borrowing the same amount from the same bank (or \$7,500 + if you want to borrow from the Bond Bank). It's also a little easier to customize; the bank would be happy to accommodate whatever payment schedule you want, within reason, so you could set it up so payments come due when taxes are coming in, or push the first payment back into the next fiscal year, or whatever else is convenient; you wouldn't get that much flexibility elsewhere. Finally, it isn't a debt of Hampden, which means that if something goes wrong you can just walk away from the deal, and even if nothing goes wrong, it usually looks better on your balance sheet to have a lease obligation of \$Z for each of the following years than to have debt service of that amount, even if economically there's no difference.

I managed to turn this into a Russian novel again. Sorry about that. And all in the service of talking my fee down. Please don't ever show this e-mail to my accounting department. Needless to say I'd be happy to help with any of these alternatives, or to give additional information on any of them, or to start working on an Ordinance if you'd like to go that way.

One final note: I'm afraid Kim Dow has moved on; for future reference please update your contacts to cc Amber Saucier, asaucier@eatonpeabody.com.

Take care and best regards,

Dan

Dan S. Pittman
Eaton Peabody
P.O. Box 1210
80 Exchange Street
Bangor, ME 04402-1210
Tele: 207.992.4342
Fax: 207.942.3040
Professional Profile | Website

EXECUTIVE SESSION STATUTES

The eight subjects permitted to be discussed in Executive Session are as follows:

PERSONNEL MATTERS:	1 M.R.S.A. § 405(6)(A)
SCHOOL STUDENT SUSPENSIONS/EXPULSIONS:	1 M.R.S.A. § 405(6)(B)
REAL ESTATE; ECONOMIC DEVELOPMENT:	1 M.R.S.A. § 405(6)(C)
LABOR CONTRACTS/NEGOTIATIONS:	1 M.R.S.A. § 405(6)(D)
ATTORNEY-CLIENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(E)
CONFIDENTIAL RECORDS:	1 M.R.S.A. § 405(6)(F)
EMPLOYMENT EXAMINATIONS:	1 M.R.S.A. § 405(6)(G)
CODE ENFORCEMENT CONSULTATIONS:	1 M.R.S.A. § 405(6)(H)